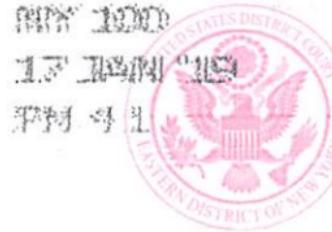


CLERK OF U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
225 CADMAN PLAZA EAST
BROOKLYN, NY 11201

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE \$300

WSW



neopost

01/17/2019

US POSTAGE

FIRST CLASS MAIL

\$000.68⁰



ZIP 11201
041M11271726

Barbara Romain
1861 East 27th Apt 3C
Brooklyn, NY 11210

NTXIE 100 DE 1 0001/28/19

RETURN TO SENDER
NO SUCH NUMBER
UNABLE TO FORWARD

NSN BC: 11201183299 *2245-03455-17-46

11201>1832
11229-25301

A standard one-dimensional barcode.

**U.S. District Court
Eastern District of New York (Central Islip)
CIVIL DOCKET FOR CASE #: 2:17-cv-02530-RRM-SMG**

FILED
IN CLERK'S OFFICE
US DISTRICT COURT E.D.N.Y.
★ JAN 31 2019 ★

Rumain et al v. The American Chemical Society
Assigned to: Judge Roslynn R. Mauskopf
Referred to: Magistrate Judge Steven M. Gold
related Case: 1:17-cv-07251-RRM-SMG
Cause: 28:1332 Diversity-(Citizenship)

Date Filed: 04/27/2017 **BROOKLYN OFFICE**
Jury Demand: Plaintiff
Nature of Suit: 446 Civil Rights: Americans
with Disabilities - Other
Jurisdiction: Federal Question

Plaintiff

Barbara Rumain

represented by **Barbara Rumain**
1818 Avenue L Apt 4D
Brooklyn, NY 11230
917-755-6338
PRO SE

Plaintiff

Arnold Schneiderman
1818 Avenue L Apt 4D
Brooklyn, NY 11230
917-755-6338
also known as
Moshe Schneiderman

represented by **Joshua Fuld Nessen**
c/o Michael Faillace & Associates, LLP
60 East 42 Street, Suite 4510
New York, NY 10165
646-712-1920
Fax: 212-317-1620
Email: jfuldn@gmail.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

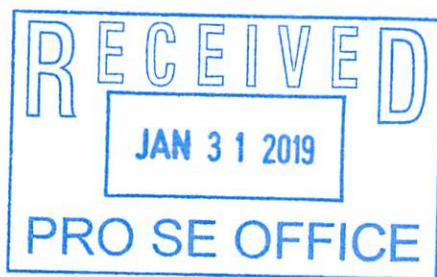
V.

Defendant

The American Chemical Society

represented by **Joseph J. Lynett**
Jackson Lewis LLP
44 South Broadway, 14th Floor
White Plains, NY 10601
914-872-8060
Fax: 914-946-1216
Email: joseph.lynett@jacksonlewis.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Joseph James DiPalma
Jackson Lewis P.C.
44 South Broadway
14th Floor
White Plains, NY 10601
914-872-6920
Fax: 914-946-1216



(Lynett, Joseph) (Entered: 08/04/2017) This document was returned executed by The American Chemical Society.

| | | |
|------------|----|---|
| | | (Lynett, Joseph) (Entered: 08/04/2017) |
| 08/04/2017 | 10 | NOTICE of Appearance by Joseph James DiPalma on behalf of The American Chemical Society (aty to be noticed) (DiPalma, Joseph) (Entered: 08/04/2017) |
| 08/18/2017 | 11 | ORDERED that defendant inform the Court by letter as to any objections it has to the |

| Date Filed | # | Docket Text |
|------------|-----------|--|
| 04/27/2017 | <u>1</u> | COMPLAINT against The American Chemical Society Was the Disclosure Statement on Civil Cover Sheet completed - No, filed by Barbara Ruman, Moshe Schneiderman. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Exhibit Exhibits 1 - 13, # <u>3</u> Exhibit Exhibits 14 - 27) (Cox, Dwayne) Modified to correct the defendant's name on 5/2/2017 (Cox, Dwayne). Modified to correct response to disclosure statement question on 5/25/2017 (Cox, Dwayne). (Entered: 05/02/2017) |
| 04/27/2017 | <u>2</u> | Summons Issued as to The American Chemical Society. (Cox, Dwayne) (Entered: 05/02/2017) |
| 04/28/2017 | | FILING FEE: \$ 400.00, receipt number 4653114238 (Cox, Dwayne) (Entered: 05/02/2017) |
| 05/02/2017 | <u>3</u> | In accordance with Rule 73 of the Federal Rules of Civil Procedure and Local Rule 73.1, the parties are notified that <i>if</i> all parties consent a United States magistrate judge of this court is available to conduct all proceedings in this civil action including a (jury or nonjury) trial and to order the entry of a final judgment. Attached to the Notice is a blank copy of the consent form that should be filled out, signed and filed electronically only if all parties wish to consent . The form may also be accessed at the following link: http://www.uscourts.gov/uscourts/FormsAndFees/Forms/AO085.pdf . You may withhold your consent without adverse substantive consequences. Do NOT return or file the consent unless all parties have signed the consent. (Cox, Dwayne) (Entered: 05/02/2017) |
| 05/04/2017 | <u>4</u> | ORDER: If service is not made upon defendant by July 26, 2017 , or plaintiffs fail to show good cause why such service has not been effected, this action will be dismissed without prejudice. Plaintiffs are to provide a copy of this Order to defendant along with the summons and complaint. Plaintiffs are required to advise the Clerk of Court of any change of address. Failure to keep the Court informed of plaintiffs' current address means the Court will not know where to contact plaintiffs and may result in dismissal of the case. So Ordered by Judge Joseph F. Bianco on 5/4/2017. (c/m to pro se) (Ortiz, Grisel) (Entered: 05/09/2017) |
| 05/31/2017 | <u>5</u> | Letter dtd 5/31/17 from pro se office to pro sc RE: THIS LETTER ACKNOWLEDGES RECEIPT OF YOUR CIVIL ACTION (Bollbach, Jean) (Entered: 05/31/2017) |
| 07/05/2017 | <u>6</u> | MOTION to Reassign Case <i>to the Brooklyn Courthouse</i> by Barbara Ruman, Moshe Schneiderman. (Bollbach, Jean) (Entered: 07/06/2017) |
| 07/31/2017 | <u>7</u> | SUMMONS Returned Executed by Barbara Ruman, Moshe Schneiderman. The American Chemical Society served on 7/25/2017, answer due 8/15/2017. (Bollbach, Jean) (Entered: 08/02/2017) |
| 08/04/2017 | <u>8</u> | NOTICE of Appearance by Joseph J. Lynett on behalf of The American Chemical Society (aty to be noticed) (Lynett, Joseph) (Entered: 08/04/2017) |
| 08/04/2017 | <u>9</u> | WAIVER OF SERVICE Returned Executed by The American Chemical Society. (Lynett, Joseph) (Entered: 08/04/2017) |
| 08/04/2017 | <u>10</u> | NOTICE of Appearance by Joseph James DiPalma on behalf of The American Chemical Society (aty to be noticed) (DiPalma, Joseph) (Entered: 08/04/2017) |
| 08/18/2017 | <u>11</u> | ORDERED that defendant inform the Court by letter as to any objections it has to the |

| | | |
|------------|-----------|--|
| | | transfer by September 1, 2017. Ordered by Judge Joseph F. Bianco on 8/18/2017. (Bollbach, Jean)cm by chambers by fcm to both plaintiffs (Entered: 08/22/2017) |
| 09/15/2017 | <u>12</u> | Letter <i>requesting pre motion conference</i> by The American Chemical Society (Lynett, Joseph) (Entered: 09/15/2017) |
| 09/15/2017 | <u>13</u> | ORDER : IT IS HEREBY ORDERED that the request is granted. The parties shall participate in a telephone pre-motion conference with the Court on Monday, October 2, 2017 at 4:00 p.m. At that time, counsel for defendant shall initiate the call and, once all parties are on the line, shall contact Chambers at (631) 712-5670.. Ordered by Judge Joseph F. Bianco on 9/15/2017. (Bollbach, Jean)cm by chambers to both plaintiffs (Entered: 09/18/2017) |
| 10/02/2017 | <u>14</u> | Minute Entry for proceedings held before Judge Joseph F. Bianco:Pre Motion Conference held on 10/2/2017; order to follow (FTR Log #4:12-4:27.) (Bollbach, Jean) (Entered: 10/02/2017) |
| 10/03/2017 | <u>15</u> | ORDER granting <u>6</u> Motion to Reassign Case. IT IS HEREBY ORDERED that plaintiffs' request (Dkt. No. 6) is granted; the Clerk of the Court shall randomly reassign the case to a district judge and magistrate judge in the Brooklyn Courthouse. IT IS FURTHER ORDERED that the Clerk of the Court shall amend the docket to reflect plaintiffs' new address, which is: 1818 Avenue L, Apt. 4D, Brooklyn, New York 11230. IT IS HEREBY ORDERED that the parties shall adhere to the following briefing schedule in connection with defendant's anticipated motion to dismiss: defendant's motion shall be due by October 30, 2017; plaintiffs' opposition shall be due by December 15, 2017; and defendant's reply shall be due by January 8, 2018. Ordered by Judge Joseph F. Bianco on 10/3/2017. (Bollbach, Jean)cm by chambers (Entered: 10/04/2017) |
| 10/30/2017 | <u>16</u> | Motion to Dismiss for Failure to State a Claim by The American Chemical Society. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Declaration, # <u>3</u> Exhibit A of Joseph J. Lynett Declaration) (DiPalma, Joseph) (Entered: 10/30/2017) |
| 11/03/2017 | | ORDER REASSIGNING CASE. Case reassigned to Judge Jack B. Weinstein and Magistrate Judge Steven M. Gold for all further proceedings. Judge Joseph F. Bianco, Magistrate Judge Arlene R. Lindsay no longer assigned to case Please download and review the Individual Practices of the assigned Judges, located on our website . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. Motions referred to Steven M. Gold.. Ordered by Judge Joseph F. Bianco on 10/3/2017. (Brown, Marc) (Entered: 11/03/2017) |
| 11/03/2017 | | Case Reassigned to Judge Roslynn R. Mauskopf. Judge Jack B. Weinstein no longer assigned to the case. Please download and review the Individual Practices of the assigned Judges, located on our website . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. (Brown, Marc) (Entered: 11/03/2017) |
| 11/17/2017 | <u>17</u> | AMENDED COMPLAINT w/ <i>Jury Demand</i> against The American Chemical Society, filed by Arnold Schneiderman. (Almonte, Giselle) (Entered: 11/22/2017) |
| 11/17/2017 | <u>18</u> | Letter dated November 15, 2017 to the Clerk of Court from pro se plaintiff Arnold Schneiderman (aka Moshe) re: Amended Complaint. The Plaintiff terminates plaintiff Barbara Rumain as a party to this action and request to have his name changed from Moshe Schneiderman to Arnold Schneiderman aka Moshe. (Docket sheet updated) (Almonte, Giselle) (Entered: 11/22/2017) |
| 12/01/2017 | <u>19</u> | Letter by The American Chemical Society (DiPalma, Joseph) (Entered: 12/01/2017) |

| | | |
|------------|-----------|---|
| 12/01/2017 | <u>20</u> | MOTION for pre motion conference re <u>17</u> Amended Complaint, <u>18</u> Letter, by The American Chemical Society. (DiPalma, Joseph) (Entered: 12/01/2017) |
| 12/05/2017 | <u>21</u> | Letter dated December 4, 2017 to Judge Mauskopf from pro se plaintiff Arnold Schneiderman plaintiff states "First Amended Complaint refutes in every respect defendant's arguments for dismissal of the complaint outlined in Defendant's Memorandum of Law, and thus mandates denial of defendant's motion to dismiss filed on October 30, 2017." (Almonte, Giselle) (Entered: 12/05/2017) |
| 12/07/2017 | <u>22</u> | NOTICE of Appearance by Joshua F. Nessen on behalf of Arnold Schneiderman (aty to be noticed) (Nessen, Joshua) (Entered: 12/07/2017) |
| 12/10/2017 | <u>23</u> | <i>Letter From Joshua Fuld Nessen, Esq. to District Judge Roslyn R. Mauskopf Responding to Defendant's Letter of December 1, 2017 Requesting a Pre-Motion Conference</i> by Arnold Schneiderman (Nessen, Joshua) (Entered: 12/10/2017) |
| 12/10/2017 | <u>24</u> | <i>Letter With Certificate of Service Letter from Joshua Fuld Nessen, Esq. to District Judge Roslyn R. Mauskopf, dated December 10, 2017, in Response to Letter by Defendant of December 1, 2017 Requesting a Pre-Motion Conference</i> by Arnold Schneiderman (Nessen, Joshua) (Entered: 12/10/2017) |
| 12/10/2017 | <u>25</u> | <i>Letter Final Corrected Letter from Joshua Fuld Nessen, Esq. to District Judge Roslyn R. Mauskopf, Dated December 10, 2017, in Response to Defendant's Letter of December 1, 2017 Requesting a Pre-Motion Conference With Certificate of Service</i> by Arnold Schneiderman (Nessen, Joshua) (Entered: 12/10/2017) |
| 01/10/2018 | | SCEDULING ORDER: The defendant's request for a pre-motion conference is denied. No pre-motion conference is required in this case. The defendant shall serve its motion papers on or before February 12, 2018; plaintiffs shall serve their opposition papers on or before March 12, 2018; and the fully-briefed motion, together with the defendant's reply, if any, shall be served and filed by April 2, 2018. The defendant shall comply with the Local Rules regarding mandatory notice to pro se litigants, and shall provide Chambers with a courtesy copy, together with a cover letter identifying the document, of each submission at the time of filing. The defendant is further directed to mail a copy of this order to pro se plaintiff and to file a declaration of service on the docket. Ordered by Judge Roslynn R. Mauskopf on 1/10/2018. (Reck, Nickolas) Modified on 1/11/2018 (Taronji, Robert). (Entered: 01/10/2018) |
| 01/16/2018 | <u>26</u> | MOTION for pre motion conference by Arnold Schneiderman. (Nessen, Joshua) (Entered: 01/16/2018) |
| 01/17/2018 | | ORDER OF ENTRY: In light of plaintiff's counsel's request for a pre-motion conference, the briefing schedule previously ordered is hereby STAYED. In order to facilitate the efficient adjudication of this action, originally commenced pro se, plaintiff's counsel shall file, by January 31, 2018, a <u>proposed</u> Second Amended Complaint. By February 14, 2018, defendant American Chemical shall advise the Court by letter whether it consents to the filing of the proposed Second Amended Complaint or the reasons for any objections thereto. Should defendant consent, it shall advise the Court whether defendant wishes to move to dismiss the Second Amended Complaint and the grounds therefor. The Court will provide further guidance upon receipt of these filings. Ordered by Judge Roslynn R. Mauskopf on 1/17/2018. (Mauskopf, Roslynn) (Entered: 01/17/2018) |
| 01/30/2018 | <u>27</u> | AMENDED COMPLAINT <i>Proposed Second Amended Complaint With Certificate of Service</i> against The American Chemical Society, filed by Arnold Schneiderman. (Attachments: # <u>1</u> Exhibit Letter, # <u>2</u> Exhibit Certificate, # <u>3</u> Exhibit E-mail) (Nessen, Joshua) (Entered: 01/30/2018) |

| | | |
|------------|-----------|--|
| 01/30/2018 | <u>28</u> | Second MOTION for pre motion conference by Arnold Schneiderman. (Nessen, Joshua) (Entered: 01/30/2018) |
| 02/14/2018 | <u>29</u> | Letter by The American Chemical Society (DiPalma, Joseph) (Entered: 02/14/2018) |
| 04/06/2018 | | SCHEDULING ORDER: Plaintiff's request for a pre-motion conference (<u>28</u>) is granted. The Court will hold a pre-motion conference on May 15, 2018, at 10:30 AM. Counsel for all parties must attend. The conference will take place before the Hon. Roslynn R. Mauskopf in Courtroom 6A on the 6th floor of the South Wing, United States Courthouse, 225 Cadman Plaza East, Brooklyn, New York 11201. Counsel shall confer to ensure that all parties are aware of the date and time of the conference. Counsel shall appear 15 minutes prior to the conference and shall check in with the courtroom deputy. Defendant's time to answer is extended until 21 days after this Court's order on any motion to dismiss, or until further order of the Court. Ordered by Judge Roslynn R. Mauskopf on 4/6/2018. (Zhu, Angela) (Entered: 04/06/2018) |
| 04/10/2018 | <u>30</u> | Letter MOTION for pre motion conference <i>Letter from Joshua Fuld Nessen, Esq., dated April 10, 2018, to District Judge Roslynn Mauskopf with Certificate of Service</i> by Arnold Schneiderman. (Nessen, Joshua) (Entered: 04/10/2018) |
| 04/10/2018 | | ORDER: Plaintiff's request for an adjournment (<u>30</u>) is granted. The Court will hold a pre-motion conference on June 21, 2018, at 10:00 AM. Counsel for all parties must attend. The conference will take place before the Hon. Roslynn R. Mauskopf in Courtroom 6A on the 6th floor of the South Wing, United States Courthouse, 225 Cadman Plaza East, Brooklyn, New York 11201. Counsel shall confer to ensure that all parties are aware of the date and time of the conference. Counsel shall appear 15 minutes prior to the conference and shall check in with the courtroom deputy. Defendant's time to answer is extended until 21 days after this Court's order on any motion to dismiss, or until further order of the Court. Ordered by Judge Roslynn R. Mauskopf on 4/10/2018. (Zhu, Angela) (Entered: 04/10/2018) |
| 05/21/2018 | | ORDER: By June 4, 2018, plaintiff shall respond to defendant's renewed pre-motion conference letter dated February 14, 2018 and now directed to the proposed Second Amended Complaint (Doc. No. <u>29</u>). Ordered by Judge Roslynn R. Mauskopf on 5/21/2018. (Taronji, Robert) (Entered: 05/21/2018) |
| 06/08/2018 | | ORDER: On May 21, 2018, plaintiff was ordered to respond to defendant's renewed pre-motion conference letter (Doc. No. <u>29</u>) by June 4, 2018. No response has been received. Plaintiff shall file a response no later than June 12, 2018. Ordered by Judge Roslynn R. Mauskopf on 6/8/2018. (Zhu, Angela) (Entered: 06/08/2018) |
| 06/13/2018 | | ORDER TO SHOW CAUSE: On May 21, 2018, plaintiff was ordered to respond to defendant's renewed pre-motion conference letter (Doc. No. <u>29</u>) by June 4, 2018. On June 8, 2018, having received no response, the Court ordered plaintiff to file his response by June 12, 2018. No response has been received. Plaintiff is ordered to show cause, by June 27, 2018, why he has not responded to the Court's previous Orders. In addition, the parties are ordered to file a joint status report by June 27, 2018. The pre-motion conference scheduled for June 21, 2018, is adjourned <i>sine die</i> . The Clerk of Court is respectfully directed to mail a copy of this Order to plaintiff Arnold Schneiderman at 1818 Avenue L, Apt 4D, Brooklyn, NY 11230, and note the mailing on the docket. Ordered by Judge Roslynn R. Mauskopf on 6/13/2018. (Zhu, Angela) (Entered: 06/13/2018) |
| 06/15/2018 | <u>31</u> | <i>Letter from Joshua Fuld Nessen Explaining Why Court Orders since May 21, 2018 Have not been Followed by Arnold Schneiderman (Nessen, Joshua)</i> (Entered: 06/15/2018) |

| | | |
|------------|----------------------|---|
| 06/27/2018 | <u>32</u> | Letter regarding Case Status by The American Chemical Society (DiPalma, Joseph) (Entered: 06/27/2018) |
| 06/27/2018 | <u>33</u> | Letter Letter from Joshua Fuld Nessen, Esq., dated June 27, 2018, to District Judge Roslynn Mauskopf related to pre-motion conference served on opposing counsel via ECF by Arnold Schneiderman (Nessen, Joshua) (Entered: 06/27/2018) |
| 06/28/2018 | <u>34</u> | Letter Corrected Letter from Joshua Fuld Nessen, Esq., dated June 27, 2018 to District Judge Roslynn Mauskopf related to pre-motion conference served on opposing counsel via ECF by Arnold Schneiderman (Nessen, Joshua) (Entered: 06/28/2018) |
| 06/30/2018 | <u>35</u> | Letter Rescanned Corrected Letter from Joshua Fuld Nessen, Esq., dated June 27, 2018, to District Judge Roslynn Mauskopf related to pre-motion conference served by ECF on opposing counsel by Arnold Schneiderman (Nessen, Joshua) (Entered: 06/30/2018) |
| 01/15/2019 | <u>36</u> | Letter MOTION for pre motion conference From Joshua Fuld Nessen to District Judge Roslynn R. Mauskopf, dated January 15, 2019 by Arnold Schneiderman. (Nessen, Joshua) (Entered: 01/15/2019) |